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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

NORMAN, MARC E

ART UNIT PAPER NUMBER

3744

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/613,267 | Applicant(s) USELTON, ROBERT B. | |
| | Examiner Marc E. Norman | Art Unit 3744 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-35 is/are allowed.
- 6) ☒ Claim(s) 1, 15-17 and 19-22 is/are rejected.
- 7) ☒ Claim(s) 2-14 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/6/03</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Malkoff et al.

As per claim 1, Malkoff et al. discloses an air conditioning apparatus comprising condenser 3, evaporator 10, reheat heat exchanger 16, blower 14, humidity sensor (column 3, line 62), and controller (figures 4 and 5) controlling the amount of heat exchange by the reheat heat exchanger and the condenser (by controlling valves 20 and 15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 15-17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malkoff et al. in view of Komazaki et al.

As per claim 15, Malkoff et al. discloses an air conditioning system comprising compressor 1, condenser 3, reheat heat exchanger 16, evaporator 10, supply air blower 14, condenser fan 4, control valve 20 for controlling flow to the reheat heat exchanger, temperature and humidity sensors (column 3, line 62), and selectively controlling refrigerant flow through the reheat heat exchanger (via valve 20). Malkoff does not teach controlling the flow of over the condenser. Komazaki et al. teaches controlling variable speed condenser fan 8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the variable speed condenser fan control of Komazaki et al. to the system of Malkoff et al. for the purpose of providing further control over the temperature and humidity of the control space (column 8, lines 48-57).

As per claim 16, Komazaki et al. further teaches fan motor 8M connected to fan 8.

As per claim 17, Komazaki et al. further teaches the fan motor being variable speed (column 5, lines 11-15).

As per claim 19, Malkoff et al. does not teach a reversing valve. Komazaki et al. teaches reversing valve 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine a reversing valve such as that of Komazaki et al. with the system of Malkoff et al. for the purpose of allowing the system to function alternatively for cooling, dehumidifying, or heating (Komazaki et al., column 5, lines 49-51).

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As per claim 20, Malkoff et al. discloses all features of this claim as already discussed above, except the refrigerant flow reversing valve and the fan being variable speed for controlling the temperature and humidity of the enclosed space. As discussed above with regard to claims 19 and 15, respectively, these features are taught by Komazaki et al. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply these features to the system of Malkoff et al. for the reasons already discussed above regarding those claims.

As per claim 21, Komazaki et al. further teaches variable speed fan motor 8M.

As per claim 22, Komazaki et al. further teaches controller 30 controlling reversing valve 2 (Figure 2).

Allowable Subject Matter

Claims 2, 5-14, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 23-35 are allowed.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc E. Norman whose telephone number is 703-305-2711. The examiner can normally be reached on Mon.-Fri., 8:00-5:30, with first Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel can be reached on 703-308-2597. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MN


MARC NORMAN
PRIMARY EXAMINER